

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 22451 OF 2003

BETWEEN

Lakkaraju Leela Venugopala Krishnamurthy

.....**Petitioner**

And

The Deputy Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
New Delhi & others.

.....**Respondents**

:: O R D E R ::

Counsel for the Petitioner : Shri E.V.S.S. Acharyulu

Counsel for Respondent No.1 : Shri A. Rajashekar Reddy
Assistant Solicitor General

Counsel for Respondent Nos.2 & 3: Government Pleader for
Revenue

Dated: 12.09.2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to grant him pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

Learned counsel for the petitioner submitted that his client has again made representation to the committee constituted by the State Government vide G.O.Rt.No.1680 dated 02.08.2006 and, therefore, the Court may direct the committee to examine his claim and submit report to the concerned authority within a specified time-frame keeping in view the fact that the State Government had already recommended his case for grant of pension under the 1980 Scheme.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General representing Government of India and learned Government Pleader for Revenue say that they do not have any objection if the petitioner's case is examined by the committee and a report is submitted to the concerned authority of Government of Andhra Pradesh. Shri A. Rajashekar Reddy further says that if the committee favourably recommends the petitioner's case, then the report sent by Government of Andhra Pradesh will be scrutinized by the competent authority of Government of India and appropriate decision will be taken within two months from the receipt of information from the State Government.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

- (1) The application made by the petitioner to the committee constituted by the Government vide order dated 02.08.2006 shall be scrutinized by the latter keeping in view the fact that his case had been earlier recommended by the State Government for grant of pension under the 1980 Scheme and report be submitted to the Secretary, Revenue

Department (Freedom Fighters Division), Government of Andhra Pradesh within a maximum period of one month.

- (2) If the report of the committee is adverse to the petitioner, then the same be communicated to him. In that event, the petitioner shall be free to avail appropriate legal remedy.
- (3) If the committee favourably recommends the petitioner's case, then Secretary to Government, Revenue Department (Freedom Fighters Division) shall forward his application together with the report of the committee to Deputy Secretary to Government of India, Ministry of Home Affairs (Freedom Fighters Division).
- (4) Within two months of the receipt of communication from Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh, the competent authority in the Ministry of Home Affairs shall deal with and decide the petitioner's claim for grant of pension under the 1980 Scheme. The decision shall be communicated to the petitioner by registered post.
- (5) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be given to the concerned authority to release the pension payable to him.
- (6) If the committee constituted by the Government comes to the conclusion that the petitioner's claim is not genuine, then the report of the committee be communicated to the petitioner at the end of two months' period so that he can avail appropriate legal remedy.

G.S.SINGHVI, CJ

12.09.2006

Note:

The Court Officer is directed to give attested copies of this order to learned counsel for the parties.

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